

STATEMENT OF CONSIDERATIONS

ADVANCE WAIVER OF THE GOVERNMENT'S U.S. AND FOREIGN PATENT RIGHTS IN INVENTIONS ARISING UNDER THE LIMITED CLASS OF FUNDING AGREEMENTS AND OTHER CONTRACTS UNDER THE DEPARTMENT OF ENERGY'S METAL INITIATIVE W(C) 92-001

The Department of Energy (DOE) granted the attached advance waiver covering DOE's Steel Initiative Program on November 4, 1987. The Steel Initiative Program was originally authorized by Public Law 99-199 (House Joint Resolution 465), the Fiscal Year 1986 continuing appropriations law, and received additional funding for Fiscal Year 1987 to continue the Steel Initiative Program through the passage of Public Law 99-591 (House Joint Resolution 738). The U.S. Congress, by virtue of the passage of Public Law 100-680 (102 Stat. 4073), entitled "Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988," provided for an expansion of DOE's Steel Initiative Program to include research and development to achieve competitive, energy efficient steel, aluminum and copper process technologies. This expanded program was known as DOE's Metal Initiative Program and was conducted using funds provided by Congress beginning Fiscal Year 1989.

Although inventions made under DOE's Metal Initiative Program were treated in accordance with the terms and conditions of the attached Steel Initiative advance waiver, the waiver was never modified or amended to specifically cover the Metal Initiative Program.

In order to eliminate any confusion relating to the treatment accorded inventions made under DOE's Metal Initiative Program, the purpose of this Metal Initiative advance waiver is to make it clear that the attached Steel Initiative advance waiver applies to those inventions made under DOE's Metal Initiative Program. The contents of the attached Steel Initiative advance waiver are hereby incorporated by reference into this advance waiver. It is determined that this advance waiver to a limited class of one or more holding companies, which have held title to and have licensed inventions made under the Metal Initiative Program, will best serve the interests of the United States and the general public and, therefore, the waiver is granted. This waiver covers and is directed to inventions made under all funding agreements with small businesses and non-profit organizations to which the Exceptional Circumstances Determination related to DOE's Steel Initiative applies and all other contracts under DOE's Metal Initiative.

CONCURRENCE:



Douglas Kaempf, Director
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Date: 3/10/97

APPROVAL:



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Date: 1-12-97